



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo, Acting President

Jerry Duncan
Sal Quintero
Daniel Ronquillo

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, AUGUST 20, 2002

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.fresno.gov) THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. ROLL CALL

Invocation by Pastor Rod Suess of the Butler Avenue Mennonite Brethren Church

Pledge of Allegiance

Proclamation Commemorating the First Annual 9-11 and Fire and Police Slow Pitch Softball Game - Councilmember Quintero

Presentation on Children Count: Report Card on the Well-Being of Children in Fresno County - Police Dept.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 30, 2002

Action Taken:

Approve Agency agenda

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

- A. Roeding Business Park Redevelopment Project Plan Amendment - Recommendation to postpone decision pending further review; new public hearing to be noticed

Action Taken:

ADJOURN AGENCY

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of July 30, 2002

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

- 9:00 A.M.** **RESOLUTION** - In support of the Business, Industry and Government (BIG) Coalition of the South San Joaquin Valley - Mayor Autry
Action Taken:
- 9:30 A.M.** Request status and release of \$250,000 to Fresno Madera Area Agency on Aging per fiscal year 2002 approved appropriation for rehabilitation and expansion of Fresno Senior Center - Councilmember Quintero
Action Taken:
- 9:45 A.M.** City utilization of San Joaquin Valley Air Pollution Control District Heavy Duty Engine Incentive Program - General Services Department
- a. Approve an agreement to receive funds from the San Joaquin Valley Air Pollution Control District Heavy Duty Engine Incentive Program
 Action Taken:
- b. Award a requirements contract for front loading refuse trucks
 Action Taken:
- c. Award a contract for two (2) rear loading refuse trucks
 Action Taken:
- 10:00 A.M.** Council Workshop and direction regarding Solid Waste Transfer Station - Public Utilities Dept.
Action Taken:
- 10:30 A.M.** **HEARING** - Amend Residential Permit Parking District No. 3 to include east side of Barton Avenue from Huntington Avenue to Tulare Street - Traffic Engineering
Action Taken:
- a. **RESOLUTION** - Amending Residential Permit Parking District No. 3
 Action Taken:
- 11:15 A.M.** **HEARING** to consider Conditional Use Permit No. C-02-110 and Variance Application No. V-02-015, filed by M.L. Street Properties, for a proposed 11-story, 282,000 square foot office building and 8-story parking structure with approximately 904 parking spaces, located on the southwest corner of "M" Street and Kern Street (*Property located in District 3*)
Action Taken:
- a. Consider and adopt the Mitigated Negative Declaration for Environmental Assessment No. C-02-110 and V-02-015
 Action Taken:
- b. **RESOLUTION** - Approving Conditional Use Permit No. C-02-110 and Variance Application No. V-02-015
 Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 PM#1

CONTESTED CONSENT ITEMS

2:00 PM#2

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Fresno Supreme v. City of Fresno and related cross actions
2. **Case Name:** Riverview Estates v. City of Fresno
3. **Case Name:** Blackstone Venture I, Blackstone Venture II, River Park Properties, River Park Properties II, River Park Properties III, River Park Properties IV, Park 41, and Bombay Corporation v. City of Fresno
4. **Case Name:** City of Fresno v. County of Fresno, LAFCO and City of Clovis
5. **Case Name:** City of Fresno v. City of Clovis, City Council of the City of Clovis, (Paynter Realty and Investments, Inc., David Paynter - real parties in interest)
6. **Case Name:** Kevin Ham v. City of Fresno Civil Service Board, et al.

Action Taken:

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957 - Councilmember Calhoun

Title: City Attorney

Title: City Clerk

Action Taken:

C. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Andrew T. Souza, Severo Esquivel and Jorge C. Aguiniga

Employee Organization(s):

1. International Brotherhood of Electrical Workers (IBEW)
2. Fresno Airport Peace Officers/Firefighters Association (FAPOFA) Unit 11

Action Taken:

3:00 P.M.

Appearance by Norman Pimentel to discuss the Fresno High neighborhood

Action Taken:

3:05 P.M.

Appearance by William Milton, Sr. to discuss two (2) bus stops located on Blackstone Avenue

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:10 P.M. Appearance by Barbara Hunt to discuss various issues

Action Taken:

5:00 PM#1 a. * **RESOLUTION** - 15th amendment to AAR No. 2002-216 appropriating and adjusting a total of \$1,540,000 to fund various neighborhood improvements (**Option 1**) (**Staff recommendation**) (**Requires 5 affirmative votes**) - Finance Department

Action Taken:

b. * **RESOLUTION** - 14th amendment to AAR No. 2002-216 appropriating and adjusting a total of \$2, 300,000 to fund various neighborhood improvements (**Option 2**) (**Ad Hoc Committee recommendation**) (**Requires 5 affirmative votes**)

Action Taken:

5:00 P.M.#2 Adoption of new rule prohibiting the spending of Council infrastructure dollars on non-capital infrastructure projects and elimination of the community support line item and re-allocating those dollars back into the Council infrastructure budgets - Councilmember Duncan

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

A. **RESOLUTION** - Approving participation in the Federal Equitable Sharing Agreement Program and authorizing the execution of related documents - Police Department

B. * **RESOLUTION** - 10th amendment to AAR No. 2002-216 appropriating \$407,300 in grant funds from the U.S. Department of the Interior National Park Service to rehabilitate the Fink-White Playground - Parks and Recreation Department (**Requires 5 affirmative votes**)

Action Taken:

C. Affirm appointment of Eric Tobias to the Northeast Area Plan and Implementation Committee - Mayor Autry

Action Taken:

D. **RESOLUTION** - Authorizing the City Manager to enter into an agreement with the 21st District Agricultural Association to provide policing services at the 2002 Fresno District Fair - Police Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

E. ITEM REMOVED FROM AGENDA

- F. * RESOLUTION** - Authorizing the 20th expansion of the Fresno Enterprise Zone adding 10.3 acres for Bel Haven Care LLC., Mid State Bowl and Albino Concrete

Action Taken:

- G.** Reject all bids for installation of City-owned pulse boilers - General Services Dept./Airports Dept.

Action Taken:

- H.** Authorize the Chief of Police to enter into an agreement with Wellness Solutions, Inc., a Health Promotion Company regarding a department fitness program - Police Dept.

Action Taken:

- I.** Authorize the Chief of Police to enter into a contract with the Central Unified School District to provide a school resource officer to Central High East Campus and certain middle schools within the district - Police Dept.

Action Taken:

- J.** Approval of the sale of City land at San Joaquin and Broadway Streets to Peter L. and Sandra V. Reta - Public Works Dept.

Action Taken:

- K.** Adopt a Resolution of Intention to vacate Clark Street and the Clark-Diana alley between Divisadero and McKenzie Avenues, Illinois Avenue between Diana and Fresno Streets, and all the streets and alleys between Clark and Fresno Streets from Illinois Avenue to McKenzie Avenue - Public Works Dept.

Action Taken:

- L.** Adopt a Resolution of Intention to vacate a relinquished right-of-way along the west side of Freeway 168 between Rialto and San Gabriel Avenues - Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- M. Receive results of registered voter election to approve the levying of a special tax for Community Facilities District No. 6 - Public Works Dept.

Action Taken:

1. **RESOLUTION** - Declaring election results

Action Taken:

- N. Approve reappointments of Darius Assemi and Frank Franco to the Fresno Metropolitan Flood Control District - Mayor Autry

Action Taken:

- O. **RESOLUTION** - Approving the submittal of an application to the Federal Transit Administration, an operating administration of the United States Department of Transportation, for granting funding to conduct emergency preparedness drills, and authorizing execution of related documents - Fresno Area Express

Action Taken:

1. * **RESOLUTION** - 11th amendment to AAR No. 2002-216 appropriating \$25,000 of the 2002 Federal Transit Administration (FTA) Emergency Supplemental Appropriations Act Funds for emergency drill expense reimbursements (*Requires 5 affirmative votes*)

Action Taken:

2. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

3. **GENERAL ADMINISTRATION**

- A. Review and recommendations for the UGM traffic signal and fire station service area impact fees
1. Request approval of conceptual course of action to analyze and revise UGM traffic signal and fire station service area impact fees - Public Works Dept.

Action Taken:

- B. * **RESOLUTION** - 16th amendment to AAR No. 2002-216 to rebudget various Council district infrastructure carryover projects based on the committed but unexpended balances in the FY 2002 infrastructure budgets - Finance Dept. (*Requires 5 affirmative votes*)

Action Taken:

- C. Adopt revised City of Fresno Deferred Compensation Plan document incorporating revisions of Internal Revenue Code Section 457 pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) and composition of Deferred Compensation Committee- Retirement

Action Taken:

3. **GENERAL ADMINISTRATION CONTINUED**

- D. **RESOLUTION** - Providing for payment of the full salary for the first 30 calendar days of the new fiscal year for City employees engaged in the performance of ordered military duty serving during a continuous deployment - Finance Dept.

Action Taken:

- E. Adopt Successor Labor Agreement between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 Unit 1 (Local 39) covering the period July 1, 2001 to June 30, 2004

Action Taken:

- F. * Approving technical correction to the MFS Resolution No. 80-420 relating to solid waste rates - Finance Department

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Direct staff to contact County and State officials to implement car pooling education program - Councilmember Duncan

Action Taken:

- B. **RESOLUTION** - Supporting the future planning objectives relating to the Fresno Metropolitan Flood Control District - Councilmember Duncan

Action Taken:

- C. Direct City Attorney to amend the cardroom ordinance to allow for “tiles” to be added to Pai-gow - Councilmember Quintero

Action Taken:

- D. Discussion and direction to staff regarding extension of low-income residential solid waste collection discount for members of the disabled community - Acting President Castillo

Action Taken:

- E. **RESOLUTION** - Respectfully requesting reconsideration of State Center Community College’s site selection for its Willow and International Campus- Councilmember Boyajian

Action Taken:

5. **CITY COUNCIL CONTINUED**

- F. * **RESOLUTION** - Amend AAR No. 2002-216 to match funds for the improvement project on Golden State, East Avenue, and Jensen Avenue originally adopted by Council on July 30, 2001 (Foundry Park Project) - Councilmember Ronquillo

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Aug. 27 - 10:00 A.M. FAA Grants
Aug. 27 - 10:30 AM#1 **HEARING** re: Text Amendment No. TA-02-01 streamlining the rezoning process
Aug. 27 - 10:30 AM#2 **HEARING** re: Plan Amendment No. A-02-09, Rezone Appl. No. R-02-17, filed by Jeff Roberts, on behalf of Amir Assemi
Aug. 27 - 10:45 A.M. **HEARING** re: Plan Amendment No. A-02-05, Rezone Appl. No. R-02-06, filed by Margaret Jensen
Aug. 27 - 11:00 A.M. **HEARING** re: eminent domain relating to Tract 5051
Aug. 27 - 11:30 A.M. **HEARING** re: Resolution of consent for eminent domain by Belmont Memorial Cemetery
Sept. 3 - **COUNCIL VACATION**
Sept. 10 - **COUNCIL VACATION**
Sept. 17 - 10:00 AM#1 **HEARING** re: vacation of Clark Street and the Clark-Diana alley between Divisadero and McKenzie; Illinois between Diana and Fresno; and all the streets and alleys between Clark and Fresno from Illinois to McKenzie - R.I. 1022-D
Sept. 17 - 10:00 AM#2 **HEARING** re: Annexation No. 38, Community Facilities District No. 2, Tract No. 5011
Sept. 17 - 10:15 A.M. **HEARING** re: vacation of a relinquished right-of-way along the west side of Freeway 168 between San Gabriel and Rialto - R.I. 1029-D
Oct. 15 - **NO MEETING**
Oct. 22 - 10:00 A.M. **WORKSHOP** on Fresno's water supply challenges - Public Utilities Dept. (30 minutes)